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Defendant(s).

(Motion for Extraordinary Relief—#148)

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1 Following his sentencing, Ali appealed. His appeal was dismissed because he had
2 waived his right to appeal. He then filed a § 2255 motion to vacate or correct his sentence,
3 addressing, *inter alia*, the calculation of his criminal history points. This Court denied that motion
4 and Ali appealed that decision, only to have his appeal dismissed on December 21, 2011. He moved
5 for reconsideration, which was denied, and appealed that denial, which was dismissed.

6 Ali then filed a motion to set aside the judgment pursuant to Rule 60(b)(6) based on a
7 change in intervening law and new evidence. That was denied and he moved for reconsideration
8 which was also denied. He then appealed and followed up with a letter to this Court discussing
9 what he called a discrepancy in his sentence. This Court denied his request for a notice of appeal-
10 ability which he challenged and the Circuit denied his request for a notice of appealability. He
11 sought a writ of certiorari to the Ninth Circuit Court of Appeals and, notwithstanding the foregoing
12 filed another Notice of Appeal on January 26, 2015. The Ninth Circuit, finding that the questions
13 raised in the appeal “are so insubstantial as not to justify further proceedings” dismissed the appeal
14 on May 27, 2015. The Mandate Order was filed May 29, 2015.

15 Now, on July 6, 2015, Ali brings this frivolous motion claiming that he has never had
16 an opportunity to correct his inaccurate criminal history points, even though he raised the claim in
17 both § 2255 motions. He also claims, although it is not documented, that evidence provided by the
18 State of New Mexico confirms his claim of 6 (vs. 17) criminal history points, and that a letter by the
19 BOP Acting Administrator National Inmate Appeals Coordinator in Washington, D.C. “concedes”
20 that the criminal history points were inaccurate. Ali’s representations are false. The BOP letter *only*
21 states that the BOP “concurs” with the responses of the BOP legal representatives and that it does
22 not have authority to change a PSR after sentencing and denies Ali’s appeal to that body.

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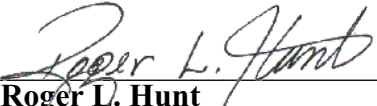
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1 IT IS THEREFORE ORDERED that Defendant Ali's **Motion for Extraordinary**
2 **Relief and Reconsideration of Court Order Dated July 23, 2012 (#118)** is DENIED.

3 IT IS FURTHER ORDERED that because the foregoing motion is frivolous and fails
4 to raise any non-frivolous issues, any certificate of appealability is DENIED.

5 Dated: July 8, 2015.

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8 **Roger L. Hunt**
9 **United States District Judge**
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